

REMARKS

In the Official Action mailed on **19 May 2005**, the Examiner reviewed claims 1, 2, 4-8, 10-13, 15-19, 21-24, 26-30, 32, and 33. Claims 1, 2, 4, 6-8, 10-13, 15, 17-19, 21-24, 26, 28-30, 32, and 33 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 2, 4-8, 10-13, 15-19, 21-24, 26-30, 32, and 33 were rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. Claims 1, 2, 4-8, 10-13, 15-19, 21-24, 26-30, 32, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Urevig (USPN 6,154,787, hereinafter "Urevig") in view of Eilert (USPN 6,587,938, hereinafter "Eilert")

Rejections under 35 U.S.C. §101

Claims 1, 2, 4, 6-8, 10-13, 15, 17-19, 21-24, 26, 28-30, 32, and 33 were rejected because the claimed invention is directed to non-statutory subject matter.

Applicant has amended independent claims 1, 12, and 23 to include limitations from dependent claims 5, 16, and 27, which include statutory limitations. Dependent claims 5, 16, and 27 have been canceled without prejudice. Dependent claims 6-7, 17-18, and 28-29 have been amended to correct antecedent basis. The specification has been amended to make the computer-readable storage medium statutory. No new matter has been added.

Rejections under 35 U.S.C. §112, second paragraph

Claims 1, 2, 4-8, 10-13, 15-19, 21-24, 26-30, 32, and 33 were rejected as being incomplete for omitting essential structural cooperative relationships of elements.

Applicant has amended independent claims 1, 12, and 23 to provide the relationship of the minimum and maximum requirements for a given resource to the collective requirements of the one or more resource pools. These amendments find support on page 8, line 20 to page 9, line 5 of the instant application.

Rejections under 35 U.S.C. §103(a)

Claims 1, 2, 4-8, 10-13, 15-19, 21-24, 26-30, 32, and 33 were rejected as being unpatentable over Urevig in view of Eilert. Applicant respectfully points out that the combined system of Urevig and Eilert teaches providing a **minimum priority number and a maximum priority number** for a given resource—namely the I/O channel (see Eilert, col. 17, line 47 to col. 18, line 11).

In contrast, the present invention establishes a **minimum size and a maximum size requirement** for a given resource (see page 8, line 20 to page 9, line 5 of the instant application). Establishing a minimum priority number and a maximum priority number for a given resource only establishes parameters for using an allocated resource, while establishing a minimum size and a maximum size requirement for a given resource establishes limits on the minimum amount of a resource that is required for a process to run and a maximum amount of a resource that a process can use. There is nothing within Urevig or Eilert, either separately or in concert, which suggests establishing a minimum size and a maximum size requirement for a given resource.

Accordingly, Applicant has amended independent claims 1, 12, and 23 to clarify that the present invention establishes a minimum size and a maximum size requirement for a given resource. These amendments find support on page 8, line 20 to page 9, line 5 of the instant application.


Hence, Applicant respectfully submits that independent claims 1, 12, and 23 as presently amended are in condition for allowance. Applicant also submits that claims 2, 4, 6-8, and 10-11, which depend upon claim 1, claims 13, 15, 17-19, and 21-22, which depend upon claim 12, and claims 24, 26, 28-30,

and 32-33, which depend upon claim 23, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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